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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

DEMETRIC DI-AZ, OWEN DIAZ and
LAMAR PATTERSON,

Plaintiffs,

vs.

TESLA, INC. DBA TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; NEXTSOURCE, INC.,

Defendants.

Case No. 3:17-cv-06748-WHO
*[Removed from Alameda Superior Court,
Case No. RG17878854]*

**DEFENDANT NEXTSOURCE, INC.'S
ANSWER TO AMENDED COMPLAINT
FOR DAMAGES**

Amended Complaint Filed: December 26, 2018

1 Defendant nextSource, Inc., (“Defendant”) hereby answers the Amended Complaint for
2 Damages (“Complaint”) filed by Plaintiffs Demetric Di-Az, Owen Diaz and Lamar Patterson
3 (collectively, “Plaintiffs”) as follows:

4 **INTRODUCTION**

5 1. Paragraph 1 of the Complaint is not charging against Defendant and thus does
6 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
7 sufficient knowledge to either admit or deny the allegations and on that basis denies the
8 allegations in Paragraph 1.

9 2. Paragraph 2 of the Complaint is not charging against Defendant and thus does
10 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
11 sufficient knowledge to either admit or deny the allegations and on that basis denies the
12 allegations in Paragraph 2.

13 **PARTIES**

14 3. Paragraph 3 of the Complaint is not charging against Defendant and thus does
15 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
16 sufficient knowledge to either admit or deny the allegations and on that basis denies the
17 allegations in Paragraph 3.

18 4. Paragraph 4 of the Complaint is not charging against Defendant and thus does
19 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
20 sufficient knowledge to either admit or deny the allegations and on that basis denies the
21 allegations in Paragraph 4.

22 5. Paragraph 5 of the Complaint is not charging against Defendant and thus does
23 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
24 sufficient knowledge to either admit or deny the allegations and on that basis denies the
25 allegations in Paragraph 5.

26 6. Paragraph 6 of the Complaint is not charging against Defendant and thus does
27 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
28 sufficient knowledge to either admit or deny the allegations and on that basis denies the

1 allegations in Paragraph 6.

2 7. As to the allegations contained in Paragraph 7 of the Complaint, Defendant
3 admits that it is incorporated in the State of Delaware and has its principal place of business in
4 New York, New York. Defendant admits that, in general, it places employees on a temporary
5 basis at different companies. Defendant denies the remaining allegations in Paragraph 7.

6 8. Paragraph 8 of the Complaint is not charging against Defendant and thus does
7 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
8 sufficient knowledge to either admit or deny the allegations and on that basis denies the
9 allegations in Paragraph 8.

10 9. As to the allegations contained in Paragraph 9 of the Complaint, Defendant
11 denies that it ever employed Plaintiff Owen Diaz, jointly or otherwise. Defendant admits that it
12 in part placed Plaintiff Owen Diaz at the Tesla factory in Fremont, California. As to the
13 remaining allegations in Paragraph 9, Defendant responds that it lacks sufficient knowledge to
14 either admit or deny the allegations and on that basis denies the remaining allegations in
15 Paragraph 9.

16 10. Paragraph 10 of the Complaint is not charging against Defendant and thus does
17 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
18 sufficient knowledge to either admit or deny the allegations and on that basis denies the
19 allegations in Paragraph 10.

20 11. As to the allegations contained in Paragraph 11 of the Complaint that contain
21 legal contentions and conclusions, Defendant is not required to respond. To the extent any part
22 of Paragraph 11 constitutes allegations requiring a response, Defendant denies said allegations.

23 **JURISDICTION AND VENUE**

24 12. As to the allegations contained in Paragraph 12 of the Complaint, Defendant
25 admits that this Court has jurisdiction over Plaintiffs' federal claims. Defendant denies the
26 remaining allegations in Paragraph 12.

27 13. As to the allegations contained in Paragraph 13 of the Complaint, said
28 allegations contain statutory provisions, legal contentions and/or conclusions, are not charging

1 against Defendant and do not require a response.

2 14. Paragraph 14 of the Complaint is not charging against Defendant and thus does
3 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
4 sufficient knowledge to either admit or deny the allegations and on that basis denies the
5 allegations in Paragraph 14.

6 15. Paragraph 15 of the Complaint is not charging against Defendant and thus does
7 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
8 sufficient knowledge to either admit or deny the allegations and on that basis denies the
9 allegations in Paragraph 15.

10 16. Paragraph 16 of the Complaint is not charging against Defendant and thus does
11 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
12 sufficient knowledge to either admit or deny the allegations and on that basis denies the
13 allegations in Paragraph 16.

14 17. Defendant admits that this Court has personal jurisdiction over Defendant and
15 that it is incorporated in the State of Delaware and has its principal place of business in New
16 York, New York. Defendant denies the remaining allegations in Paragraph 17.

17 18. As to the allegations in Paragraph 18 of the Complaint, Defendant responds that
18 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
19 allegations in Paragraph 18.

20 **FACTUAL ALLEGATIONS**

21 **DEMETRIC DI-AZ**

22 19. As to the allegations in Paragraph 19 of the Complaint, Defendant responds that
23 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
24 allegations in Paragraph 19.

25 20. As to the allegations in Paragraph 20 of the Complaint, Defendant responds that
26 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
27 allegations in Paragraph 20.

28 21. As to the allegations in Paragraph 21 of the Complaint, Defendant responds that

1 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
2 allegations in Paragraph 21.

3 22. As to the allegations in Paragraph 22 of the Complaint, Defendant responds that
4 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
5 allegations in Paragraph 22.

6 23. As to the allegations in Paragraph 23 of the Complaint, Defendant responds that
7 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
8 allegations in Paragraph 23.

9 24. As to the allegations in Paragraph 24 of the Complaint, Defendant responds that
10 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
11 allegations in Paragraph 24.

12 25. As to the allegations in Paragraph 25 of the Complaint, Defendant responds that
13 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
14 allegations in Paragraph 25.

15 26. As to the allegations in Paragraph 26 of the Complaint, Defendant responds that
16 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
17 allegations in Paragraph 26.

18 27. As to the allegations in Paragraph 27 of the Complaint, Defendant responds that
19 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
20 allegations in Paragraph 27.

21 28. As to the allegations in Paragraph 28 of the Complaint, Defendant responds that
22 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
23 allegations in Paragraph 28.

24 29. As to the allegations in Paragraph 29 of the Complaint, Defendant responds that
25 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
26 allegations in Paragraph 29.

27 30. As to the allegations in Paragraph 30 of the Complaint, Defendant responds that
28 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the

1 allegations in Paragraph 30.

2 31. As to the allegations in Paragraph 31 of the Complaint, Defendant responds that
3 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
4 allegations in Paragraph 31.

5 32. As to the allegations in Paragraph 32 of the Complaint, Defendant denies the
6 allegations to the extent that they relate to Defendant. Defendant responds that it lacks
7 sufficient knowledge to either admit or deny the allegations to the extent they relate to other
8 defendants and on that basis denies the allegations in Paragraph 32.

9 33. As to the allegations in Paragraph 33 of the Complaint Defendant denies the
10 allegations to the extent that they relate to Defendant. Defendant responds that it lacks
11 sufficient knowledge to either admit or deny the allegations to the extent they relate to other
12 defendants and on that basis denies the allegations in Paragraph 33.

13 34. As to the allegations in Paragraph 34 of the Complaint that contain statutory
14 provisions, legal contentions and/or conclusions, Defendant is not required to respond.,
15 Defendant denies the allegations in Paragraph 34 to the extent that they relate to Defendant.
16 Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining
17 allegations in Paragraph 34 and on that basis denies the allegations.

18 35. As to the allegations in Paragraph 35 of the Complaint, Defendant denies the
19 allegations to the extent that they relate to Defendant. Defendant responds that it lacks
20 sufficient knowledge to either admit or deny the allegations to the extent they relate to other
21 defendants and on that basis denies the allegations in Paragraph 35.

22 **OWEN DIAZ**

23 36. As to the allegations in Paragraph 36 of the Complaint, Defendant responds that
24 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
25 allegations in Paragraph 37.

26 37. As to the allegations in Paragraph 37 of the Complaint, Defendant responds that
27 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
28 allegations in Paragraph 37.

1 38. As to the allegations in Paragraph 38 of the Complaint, Defendant responds that
2 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
3 allegations in Paragraph 38.

4 39. As to the allegations in Paragraph 39 of the Complaint, Defendant responds that
5 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 39.

7 40. As to the allegations in Paragraph 40 of the Complaint, Defendant responds that
8 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
9 allegations in Paragraph 40.

10 41. As to the allegations in Paragraph 41 of the Complaint, Defendant responds that
11 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
12 allegations in Paragraph 41.

13 42. As to the allegations in Paragraph 42 of the Complaint, Defendant responds that
14 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
15 allegations in Paragraph 42.

16 43. As to the allegations in Paragraph 43 of the Complaint, Defendant responds that
17 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
18 allegations in Paragraph 43.

19 44. As to the allegations in Paragraph 44 of the Complaint, Defendant responds that
20 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
21 allegations in Paragraph 44.

22 45. As to the allegations in Paragraph 45 of the Complaint, Defendant responds that
23 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
24 allegations in Paragraph 45.

25 46. As to the allegations in Paragraph 46 of the Complaint, Defendant responds that
26 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
27 allegations in Paragraph 46.

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1 47. As to the allegations in Paragraph 47 of the Complaint, Defendant responds that
2 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
3 allegations in Paragraph 47.

4 48. As to the allegations in Paragraph 48 of the Complaint, Defendant responds that
5 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 48.

7 49. As to the allegations in Paragraph 49 of the Complaint, Defendant responds that
8 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
9 allegations in Paragraph 49.

10 50. As to the allegations in Paragraph 50 of the Complaint, Defendant responds that
11 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
12 allegations in Paragraph 50.

13 51. As to the allegations in Paragraph 51 of the Complaint, Defendant responds that
14 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
15 allegations in Paragraph 51.

16 52. As to the allegations in Paragraph 52 of the Complaint, Defendant responds that
17 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
18 allegations in Paragraph 52.

19 53. As to the allegations in Paragraph 53 of the Complaint, Defendant responds that
20 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
21 allegations in Paragraph 53.

22 54. As to the allegations in Paragraph 54 of the Complaint, Defendant responds that
23 it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the
24 allegations in Paragraph 54.

25 55. As to the allegations contained in Paragraph 55 of the Complaint, Defendant
26 denies that Defendant is Plaintiff Owen Diaz's employer, but admits that it, in part, participated
27 in the hiring process with Plaintiff Owen Diaz. As to the remaining allegations in Paragraph 55
28 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny

1 the allegations and on that basis denies the allegations in Paragraph 55.

2 56. As to the allegations contained in Paragraph 56 of the Complaint, Defendant
3 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
4 basis denies the allegations in Paragraph 56.

5 57. As to the allegations contained in Paragraph 57 of the Complaint, Defendant
6 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
7 basis denies the allegations in Paragraph 57.

8 58. As to the allegations contained in Paragraph 58 of the Complaint, Defendant
9 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
10 basis denies the allegations in Paragraph 58.

11 59. As to the allegations contained in Paragraph 59 of the Complaint, Defendant
12 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
13 basis denies the allegations in Paragraph 59.

14 60. As to the allegations contained in Paragraph 60 of the Complaint, Defendant
15 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
16 basis denies the allegations in Paragraph 60.

17 61. As to the allegations contained in Paragraph 61 of the Complaint, Defendant
18 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
19 basis denies the allegations in Paragraph 61.

20 62. As to the allegations contained in Paragraph 62 of the Complaint, Defendant
21 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
22 basis denies the allegations in Paragraph 62.

23 63. As to the allegations contained in Paragraph 63 of the Complaint, Defendant
24 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
25 basis denies the allegations in Paragraph 63.

26 64. As to the allegations contained in Paragraph 64 of the Complaint, Defendant
27 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
28 basis denies the allegations in Paragraph 64.

1 65. As to the allegations contained in Paragraph 65 of the Complaint, Defendant
2 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
3 basis denies the allegations in Paragraph 65.

4 66. As to the allegations contained in Paragraph 66 of the Complaint, Defendant
5 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
6 basis denies the allegations in Paragraph 66.

7 67. As to the allegations contained in Paragraph 67 of the Complaint, Defendant
8 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
9 basis denies the allegations in Paragraph 67.

10 68. As to the allegations in Paragraph 68 of the Complaint, Defendant denies the
11 allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge
12 to either admit or deny the allegations as they relate to other defendants and on that basis denies
13 the allegations in Paragraph 68.

14 69. As to the allegations in Paragraph 69 of the Complaint, Defendant denies the
15 allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge
16 to either admit or deny the allegations as they relate to other defendants and on that basis denies
17 the allegations in Paragraph 69.

18 70. As to the allegations contained in Paragraph 70 of the Complaint, Defendant
19 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
20 knowledge to either admit or deny the allegations as they relate to other defendants and on that
21 basis denies the allegations in Paragraph 70.

22 71. As to the allegations contained in Paragraph 71 of the Complaint, Defendant
23 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
24 knowledge to either admit or deny the allegations as they relate to other defendants and on that
25 basis denies the allegations in Paragraph 71.

26 72. As to the allegations contained in Paragraph 72 of the Complaint, Defendant
27 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
28 knowledge to either admit or deny the allegations as they relate to other defendants and on that

basis denies the allegations in Paragraph 72.

73. As to the allegations contained in Paragraph 73 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations as they relate to other defendants and on that basis denies the allegations in Paragraph 73.

74. As to the allegations contained in Paragraph 74 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, Defendant is not required to respond. Defendant denies the allegations in Paragraph 74 as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 74 and on that basis denies the allegations.

75. As to the allegations contained in Paragraph 75 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations as they relate to other defendants and on that basis denies the allegations in Paragraph 75.

LAMAR PATTERSON

76. As to the allegations contained in Paragraph 76 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 76.

77. As to the allegations contained in Paragraph 77 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 77.

78. As to the allegations contained in Paragraph 78 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 78.

79. As to the allegations contained in Paragraph 79 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 79.

80. As to the allegations contained in Paragraph 80 of the Complaint, Defendant

1 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 2 knowledge to either admit or deny the allegations as they relate to other defendants and on that
 3 basis denies the allegations in Paragraph 80.

4 81. As to the allegations contained in Paragraph 81 of the Complaint, Defendant
 5 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 6 knowledge to either admit or deny the allegations as they relate to other defendants and on that
 7 basis denies the allegations in Paragraph 81.

8 82. As to the allegations contained in Paragraph 82 of the Complaint that contain
 9 statutory provisions, legal contentions and/or conclusions, Defendant is not required to respond.
 10 Defendant denies the allegations in Paragraph 82 as they relate to Defendant. Defendant
 11 responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in
 12 Paragraph 82 and on that basis denies the allegations.

13 83. As to the allegations contained in Paragraph 83 of the Complaint, Defendant
 14 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 15 knowledge to either admit or deny the allegations as they relate to other defendants and on that
 16 basis denies the allegations in Paragraph 83.

17 84. As to the allegations contained in Paragraph 84 of the Complaint, Defendant
 18 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
 19 basis denies the allegations in Paragraph 84.

20 **FIRST CAUSE OF ACTION**

21 RACIAL DISCRIMINATION, RACIAL HARASSMENT (HOSTILE WORK
 22 ENVIRONMENT), RETALIATION, FAILURE TO INVESTIGATE AND PREVENT
 23 DISCRIMINATION AND HARASSMENT, WRONGFUL TERMINATION,
 24 CONSTRUCTIVE DISCHARGE

25 42 U.S.C. § 1981

26 (As to All Plaintiffs; Against All Defendants)

27 85. As to paragraph 85, Defendant re-alleges and incorporates by reference its
 28 responses to paragraphs 1 through 84, as though fully set forth herein.

1 86. Defendant denies that Plaintiff Owen Diaz was in a contractual relationship with
2 Defendant. As to the allegations contained in Paragraph 86 of the Complaint that contain
3 statutory provisions, legal contentions and/or conclusions, no response is required. As to the
4 remaining allegations in Paragraph 86 of the Complaint, Defendant responds that it lacks
5 sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 86.

7 87. As to the allegations contained in Paragraph 87 directed at Defendant,
8 Defendant denies said allegations. As to the allegations contained in Paragraph 87 of the
9 Complaint that contain statutory provisions, legal contentions and/or conclusions, no response
10 is required. As to the remaining allegations in Paragraph 87 of the Complaint, Defendant
11 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
12 basis denies the allegations in Paragraph 87.

13 88. As to the allegations contained in Paragraph 88 directed at Defendant,
14 Defendant denies said allegations. As to the remaining allegations in Paragraph 88 of the
15 Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the
16 allegations and on that basis denies the allegations in Paragraph 88.

17 89. As to the allegations contained in Paragraph 89 of the Complaint, Defendant
18 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
19 basis denies the allegations in Paragraph 89.

20 90. As to the allegations contained in Paragraph 90 directed at Defendant,
21 Defendant denies said allegations. As to the remaining allegations in Paragraph 90 of the
22 Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the
23 allegations and on that basis denies the allegations in Paragraph 90.

24 91. As to the allegations contained in Paragraph 91 directed at Defendant,
25 Defendant denies said allegations.

26 92. As to the allegations contained in Paragraph 92 directed at Defendant,
27 Defendant denies said allegations. As to the allegations contained in Paragraph 92 of the
28 Complaint that contain statutory provisions, legal contentions and/or conclusions, no response

1 is required. As to the remaining allegations in Paragraph 92 of the Complaint, Defendant
2 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
3 basis denies the allegations in Paragraph 92.

4 93. As to the allegations contained in Paragraph 93 directed at Defendant,
5 Defendant denies said allegations.

6 94. As to the allegations contained in Paragraph 94 directed at Defendant,
7 Defendant denies said allegations. As to the remaining allegations in Paragraph 94 of the
8 Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the
9 allegations and on that basis denies the allegations in Paragraph 94.

10 95. As to the allegations contained in Paragraph 95 directed at Defendant,
11 Defendant denies said allegations.

12 **SECOND CAUSE OF ACTION**

13 **RACIAL DISCRIMINATION IN VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

14 Cal. Civ. Code § 51

15 (As to All Plaintiffs; Against Defendant Tesla)

16 96. As to paragraph 96, Defendant re-alleges and incorporates by reference its
17 responses to paragraphs 1 through 95, as though fully set forth herein.

18 97. Paragraph 97 of the Complaint is not charging against Defendant and thus does
19 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
20 sufficient knowledge to either admit or deny the allegations and on that basis denies the
21 allegations in Paragraph 97.

22 98. Paragraph 98 of the Complaint is not charging against Defendant and thus does
23 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
24 sufficient knowledge to either admit or deny the allegations and on that basis denies the
25 allegations in Paragraph 98. As to the allegations contained in Paragraph 98 of the Complaint
26 that contain statutory provisions, legal contentions and/or conclusions, no response is required.

27 99. Paragraph 99 of the Complaint is not charging against Defendant and thus does
28 not require a response from Defendant. Nevertheless, Defendant responds that it lacks

1 sufficient knowledge to either admit or deny the allegations and on that basis denies the
2 allegations in Paragraph 99.

3 100. Paragraph 100 of the Complaint is not charging against Defendant and thus does
4 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
5 sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 100.

7 101. Paragraph 101 of the Complaint is not charging against Defendant and thus does
8 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
9 sufficient knowledge to either admit or deny the allegations and on that basis denies the
10 allegations in Paragraph 101.

11 102. Paragraph 102 of the Complaint is not charging against Defendant and thus does
12 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
13 sufficient knowledge to either admit or deny the allegations and on that basis denies the
14 allegations in Paragraph 102.

15 103. Paragraph 103 of the Complaint is not charging against Defendant and thus does
16 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
17 sufficient knowledge to either admit or deny the allegations and on that basis denies the
18 allegations in Paragraph 103.

19 **THIRD CAUSE OF ACTION**

20 **RETALIATION IN VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

21 **Cal. Civ. Code § 51**

22 **(As to Plaintiffs' Demetric and Owen; Against Defendant Tesla)**

23 104. As to paragraph 104, Defendant re-alleges and incorporates by reference its
24 responses to paragraphs 1 through 103, as though fully set forth herein.

25 105. Paragraph 105 of the Complaint is not charging against Defendant and thus does
26 not require a response from Defendant. As to the allegations contained in Paragraph 105 of the
27 Complaint that contain statutory provisions, legal contentions and/or conclusions, no response
28 is required.

1 106. Paragraph 106 of the Complaint is not charging against Defendant and thus does
2 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
3 sufficient knowledge to either admit or deny the allegations and on that basis denies the
4 allegations in Paragraph 106.

5 107. Paragraph 107 of the Complaint is not charging against Defendant and thus does
6 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
7 sufficient knowledge to either admit or deny the allegations and on that basis denies the
8 allegations in Paragraph 107.

9 108. Paragraph 108 of the Complaint is not charging against Defendant and thus does
10 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
11 sufficient knowledge to either admit or deny the allegations and on that basis denies the
12 allegations in Paragraph 108.

13 109. Paragraph 109 of the Complaint is not charging against Defendant and thus does
14 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
15 sufficient knowledge to either admit or deny the allegations and on that basis denies the
16 allegations in Paragraph 109.

17 110. Paragraph 110 of the Complaint is not charging against Defendant and thus does
18 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
19 sufficient knowledge to either admit or deny the allegations and on that basis denies the
20 allegations in Paragraph 110.

21 111. Paragraph 111 of the Complaint is not charging against Defendant and thus does
22 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
23 sufficient knowledge to either admit or deny the allegations and on that basis denies the
24 allegations in Paragraph 111.

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FOURTH CAUSE OF ACTION

THREATS OF VIOLENCE IN VIOLATION OF THE RALPH CIVIL RIGHTS ACT

Cal. Civ. Code § 51.7

(As to Owen; Against Defendants Citistaff, nextSource, and Tesla)

112. As to paragraph 112, Defendant re-alleges and incorporates by reference its responses to paragraphs 1 through 111, as though fully set forth herein.

113. As to the allegations contained in Paragraph 113 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations as they relate to other defendants and on that basis denies the allegations in Paragraph 113.

114. As to the allegations contained in Paragraph 114 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 114.

115. As to the allegations contained in Paragraph 115 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 115.

116. As to the allegations contained in Paragraph 116 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 116.

117. As to the allegations contained in Paragraph 117 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 117.

118. As to the allegations contained in Paragraph 118 of the Complaint, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 118.

119. Paragraph 119 of the Complaint is not charging against Defendant and thus does not require a response from Defendant. Nevertheless, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the

1 allegations in Paragraph 119.

2 120. Paragraph 120 of the Complaint is not charging against Defendant and thus does
3 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
4 sufficient knowledge to either admit or deny the allegations and on that basis denies the
5 allegations in Paragraph 120.

6 121. As to the allegations contained in Paragraph 121 of the Complaint, Defendant
7 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
8 knowledge to either admit or deny the allegations as they relate to other defendants and on that
9 basis denies the allegations in Paragraph 121.

10 122. As to the allegations contained in Paragraph 122 of the Complaint, Defendant
11 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
12 knowledge to either admit or deny the allegations as they relate to other defendants and on that
13 basis denies the allegations in Paragraph 122.

14 123. As to the allegations contained in Paragraph 123 of the Complaint, Defendant
15 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
16 123 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no
17 response is required. Defendant responds that it lacks sufficient knowledge to either admit or
18 deny the allegations as they relate to other Defendants and on that basis denies the allegations
19 in Paragraph 123.

20 124. As to the allegations contained in Paragraph 124 of the Complaint, Defendant
21 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
22 124 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no
23 response is required. Defendant responds that it lacks sufficient knowledge to either admit or
24 deny the allegations as they relate to other defendants and on that basis denies the allegations in
25 Paragraph 124.

26 125. As to the allegations contained in Paragraph 125 of the Complaint, Defendant
27 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
28 knowledge to either admit or deny the remaining allegations in Paragraph 125 and on that basis

1 denies the allegations.

2 126. As to the allegations contained in Paragraph 126 of the Complaint, Defendant
3 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
4 knowledge to either admit or deny the remaining allegations in Paragraph 126 and on that basis
5 denies the allegations.

6 **FIFTH CAUSE OF ACTION**

7 THREATS OF VIOLENCE IN VIOLATION OF THE BANE ACT

8 Cal. Civ. Code § 52.1(a)

9 (As to Plaintiff Owen; Against Defendants Citistaff, nextSource, and Tesla)

10 127. As to paragraph 127, Defendant re-alleges and incorporates by reference its
11 responses to paragraphs 1 through 126, as though fully set forth herein.

12 128. As to the allegations contained in Paragraph 128 of the Complaint, Defendant
13 denies the allegations as they relate to Defendant and denies that Defendant employed Plaintiff
14 Owen Diaz. Defendant responds that it lacks sufficient knowledge to either admit or deny the
15 allegations as they relate to other defendants and on that basis denies the allegations in
16 Paragraph 128.

17 129. As to the allegations contained in Paragraph 129 of the Complaint, Defendant
18 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
19 basis denies the allegations in Paragraph 129.

20 130. As to the allegations contained in Paragraph 130 of the Complaint, Defendant
21 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
22 basis denies the allegations in Paragraph 130.

23 131. As to the allegations contained in Paragraph 131 of the Complaint, Defendant
24 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
25 basis denies the allegations in Paragraph 131.

26 132. As to the allegations contained in Paragraph 132 of the Complaint, Defendant
27 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
28 basis denies the allegations in Paragraph 132.

1 133. Paragraph 133 of the Complaint is not charging against Defendant and thus does
2 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
3 sufficient knowledge to either admit or deny the allegations and on that basis denies the
4 allegations in Paragraph 133.

5 134. Paragraph 134 of the Complaint is not charging against Defendant and thus does
6 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
7 sufficient knowledge to either admit or deny the allegations and on that basis denies the
8 allegations in Paragraph 134.

9 135. Paragraph 135 of the Complaint is not charging against Defendant and thus does
10 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
11 sufficient knowledge to either admit or deny the allegations and on that basis denies the
12 allegations in Paragraph 135.

13 136. As to the allegations contained in Paragraph 136 of the Complaint, Defendant
14 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
15 knowledge to either admit or deny the allegations as they relate to other defendants and on that
16 basis denies the allegations in Paragraph 136.

17 137. As to the allegations contained in Paragraph 137 of the Complaint, Defendant
18 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
19 knowledge to either admit or deny the allegations as they relate to other defendants and on that
20 basis denies the allegations in Paragraph 137.

21 138. As to the allegations contained in Paragraph 138 of the Complaint, Defendant
22 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
23 138 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no
24 response is required. Defendant responds that it lacks sufficient knowledge to either admit or
25 deny the remaining allegations in Paragraph 138 and on that basis denies the allegations.

26 139. As to the allegations contained in Paragraph 139 of the Complaint, Defendant
27 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
28 139 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no

1 response is required.

2 140. As to the allegations contained in Paragraph 140 of the Complaint, Defendant
3 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
4 knowledge to either admit or deny the remaining allegations in Paragraph 140 and on that basis
5 denies the allegations.

6 141. As to the allegations contained in Paragraph 141 of the Complaint, Defendant
7 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
8 knowledge to either admit or deny the remaining allegations in Paragraph 141 and on that basis
9 denies the allegations.

10 **SIXTH CAUSE OF ACTION**

11 **INTERFERENCE WITH CONSTITUTIONAL RIGHTS IN VIOLATION OF BANE ACT**

12 Cal. Civ. Code § 52.1(b)

13 (As to All Plaintiffs; Against All Defendants)

14 142. As to paragraph 142, Defendant re-alleges and incorporates by reference its
15 responses to paragraphs 1 through 141, as though fully set forth herein.

16 143. As to the allegations contained in Paragraph 143 of the Complaint, Defendant
17 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
18 knowledge to either admit or deny the allegations as they relate to other defendants and on that
19 basis denies the allegations in Paragraph 143.

20 144. As to the allegations contained in Paragraph 144 of the Complaint, Defendant
21 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
22 knowledge to either admit or deny the allegations as they relate to other defendants and on that
23 basis denies the allegations in Paragraph 144.

24 145. As to the allegations contained in Paragraph 145 of the Complaint, Defendant
25 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
26 knowledge to either admit or deny the allegations as they relate to other defendants and on that
27 basis denies the allegations in Paragraph 145.

28 146. As to the allegations contained in Paragraph 146 of the Complaint, Defendant

1 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 2 knowledge to either admit or deny the allegations as they relate to other defendants and on that
 3 basis denies the allegations in Paragraph 146.

4 147. As to the allegations contained in Paragraph 147 of the Complaint, Defendant
 5 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 6 knowledge to either admit or deny the allegations as they relate to other defendants and on that
 7 basis denies the allegations in Paragraph 147.

8 148. As to the allegations contained in Paragraph 148 of the Complaint, Defendant
 9 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 10 knowledge to either admit or deny the remaining allegations in Paragraph 148 and on that basis
 11 denies the allegations.

12 149. As to the allegations contained in Paragraph 149 of the Complaint, Defendant
 13 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
 14 knowledge to either admit or deny the remaining allegations in Paragraph 149 and on that basis
 15 denies the allegations.

16 **SEVENTH CAUSE OF ACTION**

17 **WHISTLEBLOWER RETALIATION**

18 (Cal. Labor Code 1102.5)

19 (As to Plaintiffs Demetric and Owen; Against All Defendants)

20 150. As to paragraph 150, Defendant re-alleges and incorporates by reference its
 21 responses to paragraphs 1 through 149, as though fully set forth herein.

22 151. As to the allegations contained in Paragraph 151 of the Complaint, Defendant
 23 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
 24 basis denies the allegations in Paragraph 151.

25 152. As to the allegations contained in Paragraph 152 of the Complaint, Defendant
 26 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
 27 basis denies the allegations in Paragraph 152.

28 153. As to the allegations contained in Paragraph 153 of the Complaint, Defendant

1 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
2 basis denies the allegations in Paragraph 153.

3 154. As to the allegations contained in Paragraph 154 of the Complaint, Defendant
4 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
5 basis denies the allegations in Paragraph 154.

6 155. Paragraph 155 of the Complaint is not charging against Defendant and thus does
7 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
8 sufficient knowledge to either admit or deny the allegations and on that basis denies the
9 allegations in Paragraph 155.

10 156. Paragraph 156 of the Complaint is not charging against Defendant and thus does
11 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
12 sufficient knowledge to either admit or deny the allegations and on that basis denies the
13 allegations in Paragraph 156.

14 157. As to the allegations contained in Paragraph 157 of the Complaint, Defendant
15 denies the allegations as they relate to Defendant and denies that it employed Plaintiff Owen
16 Diaz. Defendant responds that it lacks sufficient knowledge to either admit or deny the
17 allegations as they relate to other Defendants and on that basis denies the allegations in
18 Paragraph 157.

19 158. As to the allegations contained in Paragraph 158 of the Complaint, Defendant
20 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
21 knowledge to either admit or deny the allegations as they relate to other defendants and on that
22 basis denies the allegations in Paragraph 158.

23 159. As to the allegations contained in Paragraph 159 of the Complaint, Defendant
24 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
25 knowledge to either admit or deny the allegations as they relate to other defendants and on that
26 basis denies the allegations in Paragraph 159.

27 160. As to the allegations contained in Paragraph 160 of the Complaint, Defendant
28 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient

1 knowledge to either admit or deny the remaining allegations in paragraph 160 and on that basis
2 denies the allegations.

3 161. As to the allegations contained in Paragraph 161 of the Complaint, Defendant
4 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
5 knowledge to either admit or deny the allegations as they relate to other defendants and on that
6 basis denies the allegations in Paragraph 161.

7 162. As to the allegations contained in Paragraph 162 of the Complaint, Defendant
8 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
9 139 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no
10 response is required. Defendant responds that it lacks sufficient knowledge to either admit or
11 deny the remaining allegations in Paragraph 162 and on that basis denies the allegations.

12 163. As to the allegations contained in Paragraph 163 of the Complaint, Defendant
13 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
14 139 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no
15 response is required. Defendant responds that it lacks sufficient knowledge to either admit or
16 deny the remaining allegations in Paragraph 163 and on that basis denies the allegations.

17 164. As to the allegations contained in Paragraph 164 of the Complaint, Defendant
18 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
19 knowledge to either admit or deny the remaining allegations in paragraph 164 and on that basis
20 denies the allegations.

21 165. As to the allegations contained in Paragraph 165 of the Complaint, Defendant
22 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
23 knowledge to either admit or deny the remaining allegations in Paragraph 65 and on that basis
24 denies the allegations.

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EIGHTH CAUSE OF ACTION

RACIAL HARASSMENT

Cal. Govt. Code § 12940, et seq.

(As to Plaintiff Lamar; Against Defendants Tesla and Chartwell)

166. As to paragraph 166, Defendant re-alleges and incorporates by reference its responses to paragraphs 1 through 165, as though fully set forth herein.

167. Paragraph 167 of the Complaint is not charging against Defendant and thus does not require a response from Defendant. As to the allegations contained in Paragraph 167 of the Complaint that contain statutory provisions, legal contentions and/or conclusions, no response is required. Nevertheless, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 167.

168. Paragraph 168 of the Complaint is not charging against Defendant and thus does not require a response from Defendant. Nevertheless, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 168.

169. Paragraph 169 of the Complaint is not charging against Defendant and thus does not require a response from Defendant. Nevertheless, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 169.

170. Paragraph 170 of the Complaint is not charging against Defendant and thus does not require a response from Defendant. Nevertheless, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 170.

171. Paragraph 171 of the Complaint is not charging against Defendant and thus does not require a response from Defendant. Nevertheless, Defendant responds that it lacks sufficient knowledge to either admit or deny the allegations and on that basis denies the allegations in Paragraph 171.

172. Paragraph 172 of the Complaint is not charging against Defendant and thus does

1 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
2 sufficient knowledge to either admit or deny the allegations and on that basis denies the
3 allegations in Paragraph 172.

4 173. Paragraph 173 of the Complaint is not charging against Defendant and thus does
5 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
6 sufficient knowledge to either admit or deny the allegations and on that basis denies the
7 allegations in Paragraph 173.

8 174. Paragraph 174 of the Complaint is not charging against Defendant and thus does
9 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
10 sufficient knowledge to either admit or deny the allegations and on that basis denies the
11 allegations in Paragraph 174.

12 175. Paragraph 175 of the Complaint is not charging against Defendant and thus does
13 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
14 sufficient knowledge to either admit or deny the allegations and on that basis denies the
15 allegations in Paragraph 175.

16 **NINTH CAUSE OF ACTION**

17 **RACE DISCRIMINATION**

18 Cal. Govt. Code § 12940, et seq.

19 (As to Plaintiff Lamar; Against Defendants Tesla and Chartwell)

20 176. As to paragraph 176, Defendant re-alleges and incorporates by reference its
21 responses to paragraphs 1 through 175, as though fully set forth herein.

22 177. Paragraph 177 of the Complaint is not charging against Defendant and thus does
23 not require a response from Defendant. As to the allegations contained in Paragraph 177 of the
24 Complaint that contain statutory provisions, legal contentions and/or conclusions, no response
25 is required. Nevertheless, Defendant responds that it lacks sufficient knowledge to either
26 admit or deny the allegations and on that basis denies the allegations in Paragraph 177.

27 178. Paragraph 178 of the Complaint is not charging against Defendant and thus does
28 not require a response from Defendant. Nevertheless, Defendant responds that it lacks

1 sufficient knowledge to either admit or deny the allegations and on that basis denies the
2 allegations in Paragraph 178.

3 179. Paragraph 179 of the Complaint is not charging against Defendant and thus does
4 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
5 sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 179.

7 180. Paragraph 180 of the Complaint is not charging against Defendant and thus does
8 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
9 sufficient knowledge to either admit or deny the allegations and on that basis denies the
10 allegations in Paragraph 180.

11 181. Paragraph 181 of the Complaint is not charging against Defendant and thus does
12 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
13 sufficient knowledge to either admit or deny the allegations and on that basis denies the
14 allegations in Paragraph 181.

15 182. Paragraph 182 of the Complaint is not charging against Defendant and thus does
16 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
17 sufficient knowledge to either admit or deny the allegations and on that basis denies the
18 allegations in Paragraph 182.

19 183. Paragraph 183 of the Complaint is not charging against Defendant and thus does
20 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
21 sufficient knowledge to either admit or deny the allegations and on that basis denies the
22 allegations in Paragraph 183.

23 **TENTH CAUSE OF ACTION**

24 **RETALIATION**

25 Cal. Govt. Code 12940(h)

26 (As to Plaintiff Lamar; Against Defendants Tesla and Chartwell)

27 184. As to paragraph 184, Defendant re-alleges and incorporates by reference its
28 responses to paragraphs 1 through 183, as though fully set forth herein.

1 185. Paragraph 185 of the Complaint is not charging against Defendant and thus does
 2 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
 3 sufficient knowledge to either admit or deny the allegations and on that basis denies the
 4 allegations in Paragraph 185.

5 186. Paragraph 186 of the Complaint is not charging against Defendant and thus does
 6 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
 7 sufficient knowledge to either admit or deny the allegations and on that basis denies the
 8 allegations in Paragraph 186.

9 187. Paragraph 187 of the Complaint is not charging against Defendant and thus does
 10 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
 11 sufficient knowledge to either admit or deny the allegations and on that basis denies the
 12 allegations in Paragraph 187.

13 188. Paragraph 188 of the Complaint is not charging against Defendant and thus does
 14 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
 15 sufficient knowledge to either admit or deny the allegations and on that basis denies the
 16 allegations in Paragraph 188.

17 190. Paragraph 190 of the Complaint is not charging against Defendant and thus does
 18 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
 19 sufficient knowledge to either admit or deny the allegations and on that basis denies the
 20 allegations in Paragraph 190.

21 **ELEVENTH CAUSE OF ACTION**

22 FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT

23 Cal. Govt. Code § 12940, et seq.

24 (As to Plaintiff Lamar; Against Defendants Tesla and Chartwell)

25 191. As to paragraph 191, Defendant re-alleges and incorporates by reference its
 26 responses to paragraphs 1 through 190, as though fully set forth herein.

27 192. Paragraph 192 of the Complaint is not charging against Defendant and thus does
 28 not require a response from Defendant. Nevertheless, Defendant responds that it lacks

1 sufficient knowledge to either admit or deny the allegations and on that basis denies the
2 allegations in Paragraph 192.

3 193. Paragraph 193 of the Complaint is not charging against Defendant and thus does
4 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
5 sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 193.

7 194. Paragraph 194 of the Complaint is not charging against Defendant and thus does
8 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
9 sufficient knowledge to either admit or deny the allegations and on that basis denies the
10 allegations in Paragraph 194.

11 195. Paragraph 195 of the Complaint is not charging against Defendant and thus does
12 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
13 sufficient knowledge to either admit or deny the allegations and on that basis denies the
14 allegations in Paragraph 195.

15 196. Paragraph 196 of the Complaint is not charging against Defendant and thus does
16 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
17 sufficient knowledge to either admit or deny the allegations and on that basis denies the
18 allegations in Paragraph 196.

19 197. Paragraph 197 of the Complaint is not charging against Defendant and thus does
20 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
21 sufficient knowledge to either admit or deny the allegations and on that basis denies the
22 allegations in Paragraph 197.

23 **TWELFTH CAUSE OF ACTION**

24 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

25 (As to All Plaintiffs; Against All Defendants)

26 198. As to paragraph 198, Defendant re-alleges and incorporates by reference its
27 responses to paragraphs 1 through 197, as though fully set forth herein.

28 199. As to the allegations contained in Paragraph 199 of the Complaint, Defendant

1 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
2 199 of the Complaint that contain legal contentions and/or conclusions, no response is required.
3 Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining
4 allegations in Paragraph 199 and on that basis denies the allegations.

5 200. As to the allegations contained in Paragraph 200 of the Complaint, Defendant
6 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
7 200 of the Complaint that contain legal contentions and/or conclusions, no response is required.
8 Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining
9 allegations in Paragraph 200 and on that basis denies the allegations in Paragraph 200.

10 201. As to the allegations contained in Paragraph 201 of the Complaint, Defendant
11 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
12 201 of the Complaint that contain statutory legal contentions and/or conclusions, no response is
13 required. Defendant responds that it lacks sufficient knowledge to either admit or deny the
14 remaining allegations in Paragraph 201 and on that basis denies the allegations.

15 202. As to the allegations contained in Paragraph 202 of the Complaint, Defendant
16 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
17 knowledge to either admit or deny the remaining allegations in Paragraph 202 and on that basis
18 denies the allegations.

19 203. As to the allegations contained in Paragraph 203 of the Complaint, Defendant
20 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
21 knowledge to either admit or deny the remaining allegations in Paragraph 203 and on that basis
22 denies the allegations.

23 204. As to the allegations contained in Paragraph 204 of the Complaint, Defendant
24 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
25 knowledge to either admit or deny the remaining allegations in Paragraph 204 and on that basis
26 denies the allegations.

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THIRTEENTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(As to All Plaintiffs; Against All Defendants)

205. As to paragraph 205, Defendant re-alleges and incorporates by reference its responses to paragraphs 1 through 204, as though fully set forth herein.

206. As to the allegations contained in Paragraph 206 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 206 and on that basis denies the allegations.

207. As to the allegations contained in Paragraph 207 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in paragraph 207 and on that basis denies the allegations.

208. As to the allegations contained in Paragraph 208 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 208 and on that basis denies the allegations.

209. As to the allegations contained in Paragraph 209 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 209 and on that basis denies the allegations.

210. As to the allegations contained in Paragraph 210 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations and on that basis denies the allegations.

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FOURTEENTH CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION AND SUPERVISION

(As to All Plaintiffs; Against All Defendants)

211. As to paragraph 211, Defendant re-alleges and incorporates by reference its responses to paragraphs 1 through 210, as though fully set forth herein.

212. As to the allegations contained in Paragraph 212 of the Complaint, Defendant denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph 212 of the Complaint that contain legal contentions and/or conclusions, no response is required. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 212 and on that basis denies the allegations.

213. As to the allegations contained in Paragraph 213 of the Complaint, Defendant denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph 213 of the Complaint that contain legal contentions and/or conclusions, no response is required. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 213 and on that basis denies the allegations.

214. As to the allegations contained in Paragraph 214 of the Complaint, Defendant denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph 214 of the Complaint that contain legal contentions and/or conclusions, no response is required. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 214 and on that basis denies the allegations.

215. As to the allegations contained in Paragraph 215 of the Complaint, Defendant denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph 215 of the Complaint that contain legal contentions and/or conclusions, no response is required. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 215 and on that basis denies the allegations.

216. As to the allegations contained in Paragraph 216 of the Complaint, Defendant denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining allegations in Paragraph 216 and on that basis

1 denies the allegations.

2 217. As to the allegations contained in Paragraph 217 of the Complaint, Defendant
3 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
4 knowledge to either admit or deny the remaining allegations and on that basis denies the
5 allegations.

6 **FIFTEENTH CAUSE OF ACTION**

7 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

8 (As to Plaintiff Demetric; Against Defendant West Valley and Tesla)

9 218. As to paragraph 218, Defendant re-alleges and incorporates by reference its
10 responses to paragraphs 1 through 217, as though fully set forth herein.

11 219. Paragraph 219 of the Complaint is not charging against Defendant and thus does
12 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
13 sufficient knowledge to either admit or deny the allegations and on that basis denies the
14 allegations in Paragraph 219.

15 220. Paragraph 220 of the Complaint is not charging against Defendant and thus does
16 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
17 sufficient knowledge to either admit or deny the allegations and on that basis denies the
18 allegations in Paragraph 220.

19 221. Paragraph 221 of the Complaint is not charging against Defendant and thus does
20 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
21 sufficient knowledge to either admit or deny the allegations and on that basis denies the
22 allegations in Paragraph 221.

23 222. Paragraph 222 of the Complaint is not charging against Defendant and thus does
24 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
25 sufficient knowledge to either admit or deny the allegations and on that basis denies the
26 allegations in Paragraph 222.

27 223. Paragraph 223 of the Complaint is not charging against Defendant and thus does
28 not require a response from Defendant. Nevertheless, Defendant responds that it lacks

1 sufficient knowledge to either admit or deny the allegations and on that basis denies the
2 allegations in Paragraph 223.

3 224. Paragraph 224 of the Complaint is not charging against Defendant and thus does
4 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
5 sufficient knowledge to either admit or deny the allegations and on that basis denies the
6 allegations in Paragraph 224.

7 225. Paragraph 225 of the Complaint is not charging against Defendant and thus does
8 not require a response from Defendant. Nevertheless, Defendant responds that it lacks
9 sufficient knowledge to either admit or deny the allegations and on that basis denies the
10 allegations in Paragraph 225.

11 **SIXTEENTH CAUSE OF ACTION**

12 **CONSTRUCTIVE DISCHARGE IN VIOLATION OF PUBLIC POLICY**

13 (As to Plaintiff Owen and Lamar; Against Defendants Tesla, Citistaff, nextSource, and
14 Chartwell)

15 226. As to paragraph 226, Defendant re-alleges and incorporates by reference its
16 responses to paragraphs 1 through 225, as though fully set forth herein.

17 227. As to the allegations contained in Paragraph 227 of the Complaint, Defendant
18 denies the allegations as they relate to Defendant and denies that Defendant employed Plaintiff
19 Owen Diaz. Defendant responds that it lacks sufficient knowledge to either admit or deny the
20 allegations as they relate to other defendants and on that basis denies the allegations in
21 Paragraph 227.

22 228. As to the allegations contained in Paragraph 228 of the Complaint, Defendant
23 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
24 knowledge to either admit or deny the allegations as they relate to other defendants and on that
25 basis denies the allegations in Paragraph 228.

26 229. As to the allegations contained in Paragraph 229 of the Complaint, Defendant
27 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
28 basis denies the allegations in Paragraph 229.

1 230. As to the allegations contained in Paragraph 230 of the Complaint, Defendant
2 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
3 basis denies the allegations in Paragraph 230.

4 231. As to the allegations contained in Paragraph 231 of the Complaint, Defendant
5 responds that it lacks sufficient knowledge to either admit or deny the allegations and on that
6 basis denies the allegations in Paragraph 231.

7 232. As to the allegations contained in Paragraph 232 of the Complaint, Defendant
8 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
9 knowledge to either admit or deny the remaining allegations in Paragraph 232 and on that basis
10 denies the allegations.

11 233. As to the allegations contained in Paragraph 233 of the Complaint, Defendant
12 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
13 233 of the Complaint that contain legal contentions and/or conclusions, no response is required.
14 Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining
15 allegations in Paragraph 215 and on that basis denies the allegations.

16 234. As to the allegations contained in Paragraph 234 of the Complaint, Defendant
17 denies the allegations as they relate to Defendant. As to the allegations contained in Paragraph
18 234 of the Complaint that contain legal contentions and/or conclusions, no response is required.
19 Defendant responds that it lacks sufficient knowledge to either admit or deny the remaining
20 allegations in Paragraph 234 and on that basis denies the allegations.

21 235. As to the allegations contained in Paragraph 235 of the Complaint, Defendant
22 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
23 knowledge to either admit or deny the remaining allegations in Paragraph 235 and on that basis
24 denies the allegations.

25 236. As to the allegations contained in Paragraph 236 of the Complaint, Defendant
26 denies the allegations as they relate to Defendant. Defendant responds that it lacks sufficient
27 knowledge to either admit or deny the remaining allegations in Paragraph 236 and on that basis
28 denies the allegations.

237. Plaintiffs' prayer for relief is not an allegation and does not require a response. To the extent any part of Plaintiffs' prayer for relief constitutes an allegation, Defendant denies such allegation contained therein.

AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses to the Complaint. In asserting these defenses, Defendant does not assume the burden of proof as to matters that, pursuant to law, are Plaintiffs' burden to prove.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

1. As a first, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs have failed to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

2. As a second, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations including, but not limited to, California Code of Civil Procedure sections 335.1, 338, 340, 343, and 361, California Government Code section 12965, and 28 U.S.C. Section 1658.

THIRD AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

3. As a third, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs failed to comply with the applicable procedural and administrative prerequisites including timely charge filing requirements and the exhaustion of all administrative remedies under federal or state law.

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FOURTH AFFIRMATIVE DEFENSE

(Legitimate Non-Discriminatory, Non-Retaliatory Reasons)

4. As a fourth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges, without admitting that it engaged in or made any of the acts, conduct, or statements attributed to it in the Complaint, that any acts, conduct or statements by Defendant or anyone acting on its behalf were justified, in good faith, and for legitimate, non-discriminatory reasons that were wholly unrelated to Plaintiffs' alleged race or any protected activity.

FIFTH AFFIRMATIVE DEFENSE

(Lack of Knowledge)

5. As a fifth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that it had no knowledge of any discriminatory or otherwise unlawful behavior by any of its or other defendants' employees, agents, or representatives.

SIXTH AFFIRMATIVE DEFENSE

(Reasonable Care)

6. As a sixth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that it exercised reasonable care to prevent and promptly correct any discriminatory or other unlawful behavior.

SEVENTH AFFIRMATIVE DEFENSE

(Course and Scope of Employment)

7. As a seventh, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that to the extent employees engaged in any discriminatory or otherwise unlawful behavior, the alleged acts were committed outside the course and scope of employment.

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EIGHTH AFFIRMATIVE DEFENSE

(Exclusive Remedy of Workers' Compensation)

8. As an eighth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred by the exclusive remedy provisions of the California Workers' Compensation Act.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

9. As a ninth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that the Complaint is barred by the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

(Estoppel)

10. As a tenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs are estopped from bringing any cause of action.

ELEVENTH AFFIRMATIVE DEFENSE

(Waiver)

11. As a eleventh, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs waived some or all of the causes of action asserted in the Complaint.

TWELFTH AFFIRMATIVE DEFENSE

(Laches)

12. As a twelfth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs unreasonably delayed in bringing the action.

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THIRTEENTH AFFIRMATIVE DEFENSE

(Failure to Take Advantage of Corrective Opportunities)

13. As a thirteenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred in whole or in part, because Plaintiffs failed to take advantage of any preventive or corrective opportunities provided by Defendant to avoid harm or otherwise.

FOURTEENTH AFFIRMATIVE DEFENSE

(Same Decision/Mixed Motive)

14. As a fourteenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges, without admitting that it engaged in or made any of the acts, conduct, or statements attributed to it in the Complaint, if it is found that Defendant's actions were motivated by both discriminatory and nondiscriminatory reasons, the legitimate nondiscriminatory reasons alone would have induced Defendant to make the same decision regarding Plaintiffs' employment.

FIFTEENTH AFFIRMATIVE DEFENSE

(No Authorization or Ratification)

15. As a fifteenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that any unlawful or wrongful acts, if any, taken by its agents or employees were outside the course and scope of their authority and such acts, if any, were not authorized, ratified, or condoned by Defendant, nor did Defendant know nor should it have known of such acts.

SIXTEENTH AFFIRMATIVE DEFENSE

(Avoidable Consequence)

16. As a sixteenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred, in whole or in part because of their unreasonable failure to avail themselves of their employer's measures to prevent and correct discrimination, the use of which would have prevented the harm Plaintiffs allege that they suffered.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Offset)

17. As a seventeenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, if Plaintiffs sustained any damage as a result of the conduct alleged in the Complaint, which Defendant denies, Defendant is entitled to an offset to the extent that Plaintiffs received income, benefits, or money from other sources.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

18. As an eighteenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant asserts that Plaintiffs are seeking to recover more than Plaintiffs are entitled to recover in this case, and an award of the judgment sought by Plaintiffs would unjustly enrich Plaintiffs.

NINETEENTH AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

19. As a nineteenth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred, in whole or in part, or in the alternative, Plaintiffs' claims for relief, including economic damages, should be denied and/or limited, pursuant to the doctrine of "after-acquired evidence."

TWENTIETH AFFIRMATIVE DEFENSE

(Release)

20. As a twentieth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred in whole or in part to the extent they entered into any agreement discharging or waiving their right to assert the claims against Defendant pleaded in the Complaint.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Arbitration Agreement)

21. As a twenty-first, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred in whole

1 or in part to the extent that Plaintiffs are subject to binding arbitration of their claims and they
2 have waived bringing such claims.

3 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

4 (Failure to Mitigate)

5 22. As a twenty-second, separate, and affirmative defense to the Complaint and
6 every cause of action set forth therein, Defendant alleges that Plaintiffs are not entitled to
7 damages to the extent they failed to take reasonable steps to mitigate their damages, if any; or
8 alternatively, Plaintiffs have mitigated their damages, and therefore, are barred from
9 recovering any damages in this action.

10 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

11 (No Entitlement to Punitive Damages)

12 23. As a twenty-third, separate, and affirmative defense to the Complaint and every
13 cause of action set forth therein, Defendant alleges that Plaintiffs are not entitled to recover
14 punitive or exemplary damages because the Complaint fails to state sufficient facts to maintain
15 any claim for punitive or exemplary damages and because Defendant did not act willfully,
16 wantonly or with malice with respect to Plaintiffs' employment. Defendant affirmatively
17 asserts that it engaged in good faith efforts to comply with the law.

18 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

19 (Punitive Damages Unconstitutional)

20 24. As a twenty-fourth, separate, and affirmative defense to the Complaint and
21 every cause of action set forth therein, Plaintiffs are not entitled to recover any punitive or
22 exemplary damages as prayed for in the Complaint on the grounds that any award of punitive
23 or exemplary damages in general and/or any such award as applied to the facts of this specific
24 action would violate Defendant's constitutional rights under the provisions of the United
25 States and California Constitutions, including but not limited to the due process clauses of the
26 Fifth and Fourteenth Amendments of the United States Constitution and the excessive fines
27 and cruel and unusual punishment clauses of the Eighth Amendment of the United States
28 Constitution.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Bane, Ralph and Unruh Act Unconstitutional)

25. As a twenty-fifth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Plaintiffs' claims are barred to the extent they infringe on Defendant's constitutional rights under the provisions of the United States and California Constitutions.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(Third Party Liability)

26. As a twenty-sixth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that to the extent that any of the alleged wrongs were committed by others, any and all such claims are barred as against Defendant in their entirety.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Unruh Act Inapplicable to Employment Discrimination)

27. As a twenty-seventh, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims of employment discrimination are not cognizable under the Unruh Act.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Claims Not Included in Administrative Charge)

28. As a twenty-eighth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred to the extent that they were not set forth in Plaintiffs' administrative charge.

TWENTY-NINTH AFFIRMATIVE DEFENSE

(Consent)

29. As a twenty-ninth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs' claims are barred to the extent that Plaintiffs agreed to, and participated in, those actions which Plaintiffs claim to have caused injury or damage.

THIRTIETH AFFIRMATIVE DEFENSE

(Comparative Fault)

30. As a thirtieth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that people or entities other than this Defendant caused or contributed to the damages Plaintiffs claim to have suffered. Therefore any award made in favor of the Plaintiffs in this case must be reduced by an amount equal to the percentage of the fault of others in causing or contributing to the damages as alleged in the Complaint.

THIRTY-FIRST AFFIRMATIVE DEFENSE

(Intervening or Superseding Cause)

31. As a thirty-first, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that the damages Plaintiffs claim to have suffered were caused or made worse by an event that occurred after any alleged action or inaction by Defendant described in the Complaint.

THIRTY-SECOND AFFIRMATIVE DEFENSE

(Cal. Labor Code §2922 – Employment At-Will)

32. As a thirty-second, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Defendant alleges that Plaintiffs were at all times employed at-will and their employment could be terminated by any party for any or no reason.

THIRTY-THIRD AFFIRMATIVE DEFENSE

(Not a Substantial Motivating Reason)

33. As a thirty-third, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Plaintiffs' claims are barred as Defendant's alleged actions were not a substantial motivating reason for the alleged adverse employment action.

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THIRTY-FOURTH AFFIRMATIVE DEFENSE

(Adequate Remedy at Law)

34. As a thirty-fourth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Plaintiffs' are barred from any injunctive relief sought because Plaintiffs have adequate remedies at law.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

(No Employment Relationship)

35. As a thirty-fifth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Plaintiffs' claims are barred because Plaintiffs were not employees of Defendant as defined by Labor Code section 2750, et seq., or any applicable legal standard.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

(No Joint Employment)

36. As a thirty-sixth, separate, and affirmative defense to the Complaint and every cause of action set forth therein, Plaintiffs' claims are barred to the extent that Defendant was not the employer, or joint employer, of Plaintiff, and therefore is not responsible for the claims pled herein.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

(Reservation of Right to Amend)

37. Defendant expressly reserves the right to amend this answer and to assert additional affirmative defenses, and to supplement, alter or change this answer and affirmative defenses upon revelation of more definitive facts by Plaintiff and upon Defendant's undertaking of discovery and investigation of this matter. Accordingly, the right to assert additional affirmative defenses, if and to the extent that such affirmative defenses are applicable, is hereby reserved.

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REQUEST FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

1. That the Complaint be dismissed with prejudice in its entirety;
2. That Plaintiffs take nothing by reason of the Complaint;
3. That Defendant be awarded its costs of suit and reasonable attorneys' fees to the extent provided by law; and
4. For such other and further relief as the Court may deem just and proper.

Date: February 8, 2019

FISHER & PHILLIPS LLP

By: /s/ Jason A. Geller
JASON A. GELLER
JUAN C. ARANEDA
AARON D. LANGBERG
Attorneys for Defendant
nextSource, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Defendant nextSource, Inc.'s Answer to Amended Complaint for Damages* has been filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Jason A. Geller
JASON A. GELLER